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REMARKS

Applicant references the telephone conversation of October 24, 2005, that Applicant's agent, Ms. Barbara Kurys, had with Examiner Zinna Northington Davis. During this conversation, Applicant's agent and Examiner discussed the Examiner's amendment that was entered in the Office Action dated August 10, 2005.

As originally filed, the definition of radical A in Claims 3 and 4 was:

A is H, F, Cl, Br, (C₁-C₆)-alkyl, CF₃, OCF₃, NO₂, CN, O-(C₁-C₆)-alkyl, CO-(C₁-C₆)-alkyl, (C₀-C₆)-alkylene-COOH, (C₀-C₆)-alkylene-COO-(C₁-C₆)-alkyl or SO₂-(C₁-C₆)-alkyl;

Applicant's Amendment dated May 17, 2005, deleted "COOH" from the definition of radical "A" in Claims 1 and 2. The Examiner subsequently phoned the Applicant's agent on August 8, 2005, and pointed out that Claims 3 and 4, which depend from Claims 2 and 1, respectively, should be amended to take into account that there was no longer any support for COOH group in the definition of radical A. Applicant's agent authorized Examiner Zinna Northington Davis to enter the following amendment (i.e. via Examiner's amendment):

A is H, F, Cl, Br, (C₁-C₆)-alkyl, CF₃, OCF₃, NO₂, CN, O-(C₁-C₆)-alkyl, CO-(C₁-C₆)-alkyl, (C₁-C₆)-alkylene-COOH, (C₀-C₆)-alkylene-COO-(C₁-C₆)-alkyl or SO₂-(C₁-C₆)-alkyl;

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However, when Applicant reviewed the Examiner's Amendment set forth in the Office Action dated August 10, 2005, Applicant noted that the definition of radical A was further amended as follows:

A is H, F, Cl, Br, (C₁-C₆)-alkyl, CF₃, OCF₃, NO₂, CN, O-(C₁-C₆)-alkyl, CO-(C₁-C₆)-alkyl, (C₁-C₆)-alkylene-COOH, (C₁-C₆)-alkylene-COO-(C₁-C₆)-alkyl or SO₂-(C₁-C₆)-alkyl;

On October 24, 2005, Applicant's agent called the Examiner to inquire as to why she changed the "(C₀-C₆)-alkylene-COO-(C₁-C₆)-alkyl" group to a "(C₁-C₆)-alkylene-COO-(C₁-C₆)-alkyl". The Examiner stated that she was attempting to bring the definition of radical A into conformity with the definition of radical A as set forth in Claims 1 and 2 wherein, among the many options disclosed for radical A, the group "(C₁-C₆)-alkylene-COO-(C₁-C₆)-alkyl" is recited. However, the effect of the Examiner's amendment was to delete "COO-(C₁-C₆)-alkyl" from the definition of radical A in claims 3 and 4 even though "COO-(C₁-C₆)-alkyl" does indeed have support in Claims 1 and 2. The Examiner suggested that Applicant submit a 312 amendment to correct this misunderstanding. Notwithstanding this suggestion, Applicant decided to file an RCE since there were other issues that Applicant wanted to address after reviewing the prosecution history. Applicant's amendment herein simply provides that radical A in Claims 3 and 4 can also be "COO-(C₁-C₆)-alkyl".

While reviewing the prosecution file, Applicant's agent realized that a portion of the Amendment submitted by Applicant on May 17, 2005, was incorrect. In the remarks of that Amendment, Applicant stated: [t]he "COOH moiety mistakenly appears in two places for each definition of A". This was an erroneous statement made without any intent to deceive. The "COOH" group that is recited *later* in the definition of radical A is an optional substituent of several groups that may be directly attached to the phenyl ring in the compound of Formula 1. Thus, the later recitation of COOH in original claims 1, 2, 14 and 15 does not appear by mistake. Applicants are respectfully requesting that

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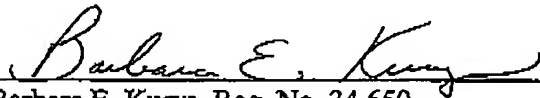
the Examiner allow the amendment herein of Claims 1, 2, 14 and 15 wherein Applicant has reinstated the later recitation of COOH as it appeared in the original claim set.

Finally, Applicants have added a new claim, i.e. Claim 16. This species falls within the compound genus described by Claims 1, 2, 3, 4 and 5. Support for new Claim 16 can be found on page 39 of the specification (Example 16) and on page 43, Table II.

Conclusion

Applicants submit that the instant application is now in condition for allowance.

Respectfully submitted,



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